Exhibit 67

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiffs,

vs.

UNIVERSITY OF NORTH CAROLINA, et al.,

Defendants.

AMENDED DEPOSITION
OF
CHRISTOPHER FAISON

THIS DEPOSITION CONTAINS CONFIDENTIAL AND PROPRIETARY INFORMATION AND IS SUBJECT TO A PROTECTIVE ORDER RESTRICTING PUBLIC DISCLOSURE OF ITS CONTENTS

TAKEN AT THE OFFICES OF:
UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL
222 East Cameron Avenue
110 Bynum Hall
Chapel Hill, NC 27514

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8:58 A.M.

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relative to other populations on campus, the American Indian presence or cul -- their cultural presence is -- is very real here.

Q. Okay.

A. So it's -- it's good to, I think, think about how groups show up in places and also how communities such as our campus choose to lift up or illuminate those groups as well with respect to critical mass.

Q. So first, let me just say when we talk about critical mass, I want you to use your definition of critical mass, just to make sure we're not get -- we don't get caught up with what some student thinks of critical mass ---

A. Okay.

Q. --- like that. That will make it easier for you and me to communicate with each other.

A. Sure.

Q. So, it sounds like you're saying that the number of students -- again this example of American Indian students on campus -- the number of students has some relation to critical mass.

A. It does have some relation. Yes.

Q. And would you say there are other factors that bear on critical mass?

A. Certainly.
Q. Could you tell me what some of those are?
A. So can it -- like, with -- outstanding of number.
Q. Uh-huh (yes).
A. Representation among administrators, faculty and staff, it's helpful with the -- within that -- within its frame. Visibility of issues or individuals helps with respect to critical mass. And then priorities within agendas also speak to critical mass in my opinion.
Q. So, let me see if I can try to capture what you're saying. So, for any particular, let's say racial group for now. Oh, I suppose -- I think your definition may apply to other dimensions of people's identities as well.
A. Certainly.
Q. That's what it sounds like. Okay. But we'll just stick with racial identity for right now. So, in terms of racial identity, for -- for a particular racial group, if that racial group is -- has a lot of representation amongst the faculty and staff at UNC, critical mass might be a lower number of students of that ethnic group than it

would otherwise be.
A. That's possible.
Q. So if -- and I don't -- I'm not going to -- just for an example, let's say there's X number of Hispanic students on campus, all right? And I don't know, one-tenth of the faculty is Hispanic, okay? If -- in the way you conceive of critical mass, X number of students -- X number of Hispanic students might not be critical mass if 10 percent of the faculty is Hispanic. But X percent of the students might be critical mass if 20 percent of the faculty is Hispanic. That would be possible, right?
A. It's -- it's possible, but as I -- as I brought out the other pieces of how I define critical mass, I would say that a Y, like a Y co-efficient in that formula would be visibility.
Q. Sure. And to be clear, I'm not trying to eliminate all other factors.
A. Okay.
Q. It's just the only two are number of faculty members ---
A. Right.
Q. --- and number of students. But all other things, you know, keeping in mind that other

factors may be present, those two things would be possible in the way you conceive of critical mass.

A. And even within that, within let's say, an X number depending upon who -- like, positionally, where those people are ---

Q. Sure. So if the --

A. --- impacts. So, for instance ---

Q. If the chancellor was Hispanic, right?

A. Then that may -- I'm not going to say what the ratio would be or what the ---

Q. Sure.

A. --- but it -- it then, again begins to make numbers more complicated.

Q. Yes. So, I understand. I'm not going to try to hold you to a particular number, but all other things being equal, a higher representation of an ethnic group in the faculty and administration and at higher levels of the faculty and administration would mean relatively speaking that would compensate for a lower level of number of students on campus of that ethnic group.

A. I don't agree with that.

Q. Okay, no? I thought that was what we were saying a minute ago.

A. I was saying that they form each other,

but I don't necessarily think that that ---
     Q.   I'm not trying -- okay. So I'm not kind of saying necessarily in any given case ---
     A.   Right.
     Q.   --- but -- okay. So let's say that using these three factors we're discussing, and I'm not excluding that there might be possibility of more ---
     A.   Right.
     Q.   --- okay? But for right now the factors we've been discussing are number of students in that ethnic group, number of faculty and staff of that eth -- ethnic group and visibility, seniority among the faculty and staff of that ethnic group, right?
          Whatever those three factors are at, let's just say hypothetically speaking we're at critical mass, okay? You think, okay, at some factor for those things, we're at critical mass. Then theoretically speaking, if one of those factors went down, that theoretically could be made up for by one of the other factors going up and you might still be at critical mass.
     A.   Potentially, yes.
     Q.   That's what I'm trying to figure out.

Okay. So they all sort of work together and they all have some bearing on critical mass for any particular ethnic group.

A. Yes.

Q. Okay. You made reference before when we were talking about this just a few minutes ago about -- and I don't -- I'm not trying to state it exactly, but about how that group shows up. You said something like that?

A. Uh-huh (yes). Yes.

Q. Were you referring to sort of how vocal or active that the group is within the campus community? Is that -- was that -- that was meant in reference?

A. No, it's more about -- so, with -- with respect to, if we're going to focus on race and ethnicity for -- for now, it's with respect to the way that someone presents themself.

Q. Okay.

A. So, for instance, with let's say Latinx folks. If someone is -- they have a -- a certain look about themselves that suggests that they have Latino heritage, then that's one example.

Q. Okay.

A. Whereas there can be a Latinx student who is white passing, and doesn't appear to be Latino, then that's another example. So that's what I meant by the ways in which people show up.

Q. Okay.

A. But ---

Q. They way they exhibit characteristics that ---

A. And the way they ---

Q. --- typically identify with that racial group?

A. Yes. Or also where -- how are -- how are they in their racial identity development, because although you may check a box that says that you are X, does not mean that you're all on the same level of racial identity. That's the example you mention of the protest. So just because you're a Latino student does not mean that you will all go out and protest for Latino issues.

Q. Sure.

A. So that's the other variance when it comes to the notion of critical mass.

Q. Okay.

A. And also with respect to the campus climate that we were talking about earlier, you can have allies -- which we love to use that phrase nowadays -- where you don't have to necessarily be a part of that group, but you may be a champion of the issues. So that can also impact the definition I use for critical mass.

Q. Okay. So in other words -- and we'll just keep it in racial group for now because that's what we're talking about right now. If let's say there -- the campus climate involves some controversy that relates to some political goings on around the world and with respect to that issue, Asian students and Hispanic students identify with each other, then that may affect what is critical mass for Asian students and Hispanic students at that given moment in time because they are allies and champions for each other in some outward respect on campus. Is that right?

A. Yes, it could.

Q. Okay.

A. Uh-huh (yes).

Q. So then am I correct that in the meaning that you ascribe to critical mass, critical mass can be different for each and every racial group on campus?

A. Potentially, and at different -- at

different points in time ---

Q. Right. Right.

A. --- given the -- given the population of the students at the time.

Q. And the climate?

A. Right.

Q. And the presence of those groups in the faculty and administration, how senior and visible they are and all those things we just discussed, correct?

A. And then the other piece would be back to the intersectional identity piece. If a certain percentage of students happened to be -- let's say -- let's say Asian students have -- there happen to be a large number who are not citizens, then depending upon the context of the situation or of the campus, Asian students that are not citizens may have a certain focus with respect to critical mass as opposed to residents that are at the campus.

So you -- so even if you -- you may have -- when we try to make nice and neat boxes with respect to race and ethnicity, Asian and Asian-American are often very different.

Q. Sure.

A. So, it's important to understand that when we're trying to look at the educational benefits of diversity that it's not as simple as what -- and to the credit of the University of allowing students who choose more than one race or ethnicity in 2010 has been helpful, but it also provides somewhat of a quagmire when you try to compare that data to data prior to that whenever we didn't give students that ability. So it just makes it for kind of a -- a fun situation when you're trying to compare things over time.

Q. So, is it -- well, I think the sum of what I'm hearing is that critical mass is not as simple as the government labels for racial and ethnic groups. Right?

A. Certainly.

Q. So -- and this -- I think this touches on a point you made earlier about how within Hispanic students, for example, Mexican-American students make up a large portion of the Hispanic students at University of North Carolina. But there are many other kinds of Hispanic students both at University of North Carolina and otherwise, and so that bears on critical mass, too.

A. It does.

Q. Just in the manner of the different sort of segments of the Asian population that might be on the campus, as you mentioned a minute ago. Correct?

A. Correct, and that's evidenced by the student groups that we have. Almost every Asian group that I'm aware of has its own student association. So that speaks to the notion of the complexity of critical mass as well as even with the -- the Hispanic versus Latino debate.

Students have taught me that while Hispanic may be the official census term or whatever, a lot of the students and folks kind of refer to themselves as Latino or Latinx now because it's gender neutral because that was not the label that the government placed on them. So I have to be intentional about thinking about how I even -- how I even name students because I could lose them by calling them what the government calls them as opposed to how they call themselves.

Q. Okay. So would you say there is a critical mass of under-represented minority students at UNC-Chapel Hill currently?

A. It's hard to define that for me right